

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MEMORANDUM AND ORDER

This matter is before the Court upon plaintiff's motion to proceed in forma pauperis [Doc. #2]. Upon consideration of the information in plaintiff's financial affidavit, the Court finds that plaintiff is able to pay the filing fee. As a result, the Court will order plaintiff to pay the statutory filing fee of \$350.00 within thirty days. If plaintiff fails to pay the filing fee as ordered, the Court will dismiss this case without prejudice.

Accordingly,

IT IS HEREBY ORDERED that plaintiff shall pay the filing fee of \$350.00 within thirty (30) days of the date of this Order.

IT IS FURTHER ORDERED that if plaintiff fails to pay the filing fee within thirty (30) days, this case shall be dismissed without prejudice.¹

Dated this 23rd day of May, 2008.

Audrey G. Fleissig
AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

¹The Court notes that if plaintiff pays the filing fee, he will be responsible for serving the summons and the complaint upon the defendant, see Fed. R. Civ. P. 4(c), or requesting the defendant to waive service of summons. See Fed. R. Civ. P. 4(d). Plaintiff is advised that he may seek guidance on serving the defendant from the Office of the Clerk.